STATE OF NEW YORK

10490

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. DiPietro) -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to a property tax exemption for active duty service members of the armed forces of the United States

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The section heading of section 458-a of the real property tax law, as added by chapter 525 of the laws of 1984, is amended to read as follows:

Veterans; **active military;** alternative exemption.

§ 2. Paragraphs (c) and (d) of subdivision 1 of section 458-a of the real property tax law, paragraph (c) as amended by chapter 100 of the laws of 1988, paragraph (d) as amended by chapter 899 of the laws of 1985, are amended and a new paragraph (h) is added to read as follows:

(c) "Qualified owner" means a veteran, the spouse of a veteran [~~or~~], the unremarried surviving spouse of a veteran **or an active duty service member of the armed forces of the United States**. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(d) "Qualifying residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section. Such property must be the primary residence of the veteran or unremarried surviving spouse of the veteran **or active duty service member**, unless the veteran or unremarried surviving spouse **or active duty service member** is absent from the property due to medical reasons or institutionalization. In the event the veteran **or active duty service member** dies and there is no unremarried surviving spouse, "qualifying

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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residential real property" shall mean the primary residence owned by a qualified owner prior to death, provided that the title to the property becomes vested in the dependent father or mother or dependent child or children under twenty-one years of age of a veteran **or active duty service member** by virtue of devise by or descent from the deceased qualified owner, provided that the property is the primary residence of one or all of the devisees.

(h) "Active duty service member" shall mean an individual performing active miliary service in the armed forces of the United States as set forth in subdivision eight of section one of the military law.

§ 3. Paragraph (b) of subdivision 2 of section 458-a of the real property tax law, as amended by chapter 473 of the laws of 2004, is amended to read as follows:

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the veteran **or active duty service member** served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the class ratio, whichever is less.

§ 4. Subdivisions 8 and 9 of section 458-a of the real property tax law, subdivision 8 as amended by chapter 538 of the laws of 2015, subdivision 9 as amended by section 83 of part PP of chapter 56 of the laws of 2022, are amended to read as follows:

8. Notwithstanding the provisions of paragraph (c) of subdivision one of this section and subdivision three of this section, the governing body of any municipality may, after public hearing, adopt a local law, ordinance or resolution providing that where a veteran, the spouse of the veteran [~~or~~], unremarried surviving spouse **or active duty service member** already receiving an exemption pursuant to this section sells the property receiving the exemption and purchases property within the same county, or in the case of a city having a population of one million or more persons, within the same city, the assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran [~~or~~], unremarried surviving spouse **or active duty service member** obtains title to the new property and shall be calculated by multiplying the tax rate or rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the previously granted exempt amount times the fraction of each fiscal year or years remaining subsequent to the transfer of title. Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran [~~or~~], unremarried surviving spouse **or active duty service member** transferring an exemption pursuant to this subdivision shall reapply for the exemption authorized pursuant to this section on or before the following taxable status date, in the event such veteran, the spouse of the veteran [~~or~~], unremarried surviving spouse **or active duty service member** wishes to receive the exemption in future fiscal years.

9. The commissioner shall develop in consultation with the commissioner of the New York state department of veterans' services**, and the United States department of defense,** a listing of documents to be used to establish eligibility under this section, including but not limited to**, military service records or** a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Casualty from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the department of veterans' services and the office of real property tax services.

§ 5. This act shall take effect immediately.